

13 MAR 2002

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## FULBRIGHT &amp; JAWORSKI L.L.P.

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 MAR 13 2002 512/536-3043

February 28, 2002

FILE: HACK:011US

CERTIFICATE OF MAILING  
 37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on the date below:

February 28, 2002

Date

Thomas M. Boyce

**BOX MISSING PARTS**

Commissioner for Patents  
 Washington, DC 20231

RE: *U.S. Patent Application No. 09/889,203 entitled "A COMPOSITION AND METHOD FOR THE ENHANCEMENT OF THE EFFICACY OF DRUGS" - Tracey Brown*  
*(Client reference: 2487603/EJH)*

Sir:

Please find enclosed:

- (1) A Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed August 28, 2001;
- (2) Declaration;
- (3) Power of Attorney;
- (4) Request for Extension of Time;
- (5) Copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
- (6) Check in the amount of \$785.00; and

Commissioner for Patents

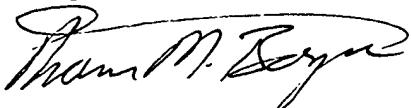
February 28, 2002

Page 2

- (7) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/10106045/TMB.

Respectfully submitted,



Thomas M. Boyce  
Reg. No. 43,508

TMB/mar  
Encl: as noted



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/889203	BROWN	T HACK:011US
INTERNATIONAL APPLICATION NO.		
PCT/AU00/00004		
I.A. FILING DATE	PRIORITY DATE	
06 JAN 00	13 JAN 99	

*due 10/27/01 missing parts  
due 3/03/01 final  
HACK:011US  
SLH  
Am 10/27/01*

MAR 13 2002

STEVEN L HIGHLANDER  
FISLBRIGHT & JAWORSKI  
600 CONGRESS AVENUE  
SUITE 2400  
AUSTIN, TX 78701

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as  a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495):
  - U.S. Basic National Fee.  Indication of Small Entity Status.
  - Copy of the international application.  Translation of the international application into English.
  - Oath or Declaration of inventors(s).  Translation of Article 19 amendments into English.
  - Copy of Article 19 amendments.  Other:
  - Priority Document.
  - The International Preliminary Examination Report in English and its Annexes, if any.
  - Translation of Annexes to the International Preliminary Examination Report into English.
2.  Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
  - U.S. Basic National Fee.  Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice MUST be returned with this response.*

Enclosed:  PCT/DO/EO/917  Notice of Defective Translation  
 PTO-875  PCT/DO/EO/920

Shelby J. Vigil

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3653



#4  
PTO/PCT Rec'd 13 MAR 2002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Tracey Brown

Serial No.: 09/889,203

Filed: July 11, 2001

For: A COMPOSITION AND METHOD FOR  
THE ENHANCEMENT OF THE  
EFFICACY OF DRUGS

Group Art Unit: Unknown

Examiner: Unknown

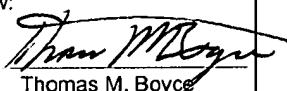
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on the date below:

February 28, 2002

Date

  
Thomas M. Boyce

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.**  
**371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

**BOX MISSING PARTS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the

United States Designated/Elected Office (DO/EO/US), dated August 28, 2001, there are enclosed  
03/19/2002 MNNGUYEN 00000108 09889203

01 PC:294 65.00 OP  
02 FC:218 720.00 OP

- (a) Declaration executed on behalf of Tracey Brown;
- (b) A Power of Attorney on behalf of MEDITECH RESEARCH LIMITED;
- (c) Our check in the amount of \$785.00 to cover the surcharge for late filing (\$65.00);  
and four month extension of time fee (\$720.00);

- (d) A copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
- (e) A Request for Extension of Time of four months to and including February 28, 2002. Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

An Assignment to MEDITECH RESEARCH LIMITED and a check for \$40.00 are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/10106045/TMB.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Thomas M. Boyce  
Reg. No. 43,508  
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: February 28, 2002